

REMARKS

Claims 37-87 are pending. Applicants have amended claims 37, 51, 52, 62, 70, 74, 79, 82, and 83 to clarify the subject matter for which applicants seek protection.

In a Final Office Action mailed on May 1, 2007, the Examiner rejected claims 37, 41-47, 62, 67-69, and 74-76 on the ground of nonstatutory obviousness-type double patenting over claims 1-3, 6-8, 11, 16-18, and 25 of Mackin et al. (U.S. Patent No. 6,728,877). The Examiner rejected claims 51-53, 62-64, 66, 70, 74-77, 79-82, and 85-87 under 35 U.S.C. §102(e) over Hunter et al. (U.S. Patent No. 6,161,176). In addition, the Examiner rejected claims 37-50, 54-61, 65, 67-69, 71-73, 78, and 83-84 under 35 U.S.C. § 103(a) over a combination of Hunter and one having ordinary skill in the art. For reasons discussed in detail below, applicants submit that the pending claims are now in condition for allowance and request reconsideration.

A. Rejections on the Ground of Nonstatutory Obviousness-Type Double Patenting

The Examiner maintained his rejection of claims 37, 41-47, 62, 67-69, and 74-76 on the ground of nonstatutory obviousness-type double patenting over claims 1-3, 6-8, 11, 16-18, and 25 of Mackin. However, the Examiner stated that this rejection was maintained because the terminal disclaimer that applicants filed on February 5, 2007 had not yet been reviewed by a paralegal. The Examiner further stated that this rejection will be withdrawn once the terminal disclaimer is reviewed and approved.

B. Rejections Under 35 U.S.C. §§ 102(e) and 103(a)

The Examiner rejected claims 51-53, 62-64, 66, 70, 74-77, 79-82, and 85-87 under 35 U.S.C. § 102(e) over Hunter. The Examiner also rejected claims 37-50, 54-61, 65, 67-69, 71-73, 78, and 83-84 under 35 U.S.C. § 103(a) over a combination of Hunter and one having ordinary skill in the art.

In general, Hunter describes a way to transfer application settings (e.g., template files and toolbar-related settings) from a first computer to a second computer. (col. 3:62-col. 4:6). To transfer settings, Hunter discloses a wizard to identify and retrieve configuration settings from a first computer. (col. 6:42-54). Once identified, Hunter discloses that a settings file is created, which is provided to a second computer. (col. 10:17-19; col. 11:16-19). To finish, a wizard is executed at the second computer to retrieve and transfer the settings from the settings file to the second computer. (col. 11:28-35). Although Hunter generally describes transferring settings from a first computer to a second computer using environment variables and/or tokens, Hunter fails to teach or suggest manipulating or calculating configuration settings.

As amended, claim 37 recites "manipulating at least one of the extracted configuration settings from a location, a name, a value, and a format used on the source computing system to a location, a name, a value, and a format used on the target computing system." (Emphasis added.)

The Examiner suggests that Hunter's use of tokens is the same as manipulating the format of an extracted configuration setting. Applicants respectfully disagree. Hunter describes using a token to identify the location where a setting may be stored. (col. 7:41-45). In some cases, Hunter explains that the path identified by the token can differ between computers. (col. 7:45-55). For example, the path corresponding to the <AppData> token on an English-based computer may differ from the path corresponding to the <AppData> token on a German-based computer because the computers store information in different languages. (*Id.*). Assuming that replacing the actual path of a setting with a token is the same as manipulating the setting, Hunter's technique still does not manipulate the setting from a format used on the first computer to a format used on the second computer because the path of a setting does not correspond to the setting's format. Moreover, while the actual path <AppData>\Microsoft\Word may differ between the first computer and the second computer, the logical path of the setting remains the same: the setting is located at sub-folder "Microsoft\Word" of a folder having a path defined

by the <AppData> token. Thus, Hunter's use of tokens (at best) corresponds to mapping a setting from a location on the first computer to a location on the second computer. Hunter describes nothing similar to manipulating the format of a setting.

The Examiner also suggests that Hunter's use of environment variables is the same as manipulating the format of an extracted configuration setting. Applicants again respectfully disagree. When a setting is located in a user-specific directory (e.g., "<system root>\profiles\JDoe\Application Data\Microsoft Office"), Hunter describes substituting the user-specific portion of the directory path with an environment variable to identify that the location is the current user's profile directory (e.g., "%userprofile%\Application Data\Microsoft Office"). (col. 10:52-66; 13:63-67). Assuming that replacing the user-specific directory with the environment variable is the same as manipulating a setting, Hunter's technique still does not manipulate the setting from a format used on the first computer to a format used on the second computer because the path of a setting does not correspond to the setting's format. Moreover, while the actual path "%userprofile%\Application Data\Microsoft Office" may differ between the first computer and the second computer, the logical path of the setting remains the same: the setting is located in sub-folder "Application Data\Microsoft Office" of the current user's profile directory. Similar to Hunter's use of tokens, the use of an environment variable (at best) corresponds to mapping the setting from a location on the first computer to a location on the second computer. Hunter describes nothing similar to manipulating the format of a setting. Indeed, Hunter's technique would be inoperable if the %userprofile% environment variable or the <AppData> token could not be resolved by each computer.

Even if Hunter describes mapping a setting from a location on the first computer to a location on the second computer, Hunter contains no indication of manipulating settings "from a location, a name, a value, and a format" used on the first computer "to a location, a name, a value, and a format" used on the second computer, as now recited by claim 37. Therefore, independent claim 37 and its dependent claims are allowable over Hunter.

In addition, as amended, independent claim 51 recites "at least one of the extracted configuration settings is manipulated from a source location, a source name, a source value, and a source format of [a] first operating system to a target location, a target name, a target value, and a target format of [a] second operating system." (Emphasis added.) As amended, independent claim 70 recites "manipulating at least one of the extracted configuration settings from a first location, a first name, a first value, and a first format used on the source computing system to a second location, a second name, a second value, and a second format used on the target computing system." (Emphasis added.) As amended, independent claim 74 recites "manipulating the at least one extracted program configuration setting from a location, a name, a value, and a format used by the first version of the program on the source computing system to a location, a name, a value, and a format used by the second version of the program on the target computing system." (Emphasis added.) Finally, as amended, independent claim 79 recites "means for manipulating at least one of the selected configuration settings from a location, a name, a value, and a format used on the source computing system to a location, a name, a value, and a format used on the target computing system." (Emphasis added.) Because this feature is neither taught nor suggested by Hunter, claims 51, 70, 74, 79, and their dependent claims are also allowable

Moreover, Hunter does not teach or suggest manipulating settings where the source computing system has a first operating system and the target computing system has a second operating system, and "the second operating system is different from the first operating system," as recited by claim 51. In fact, as shown in Figures 2-4 of Hunter, the first computer 68 and the second computer 78 have the same operating system 35. Therefore, claim 51 and its dependents are further allowable over Hunter. Likewise, Hunter does not teach or suggest manipulating settings of a program where the source computing system has a first version of the program and the target computing system having a second version of the program, and "the second version is different from the first version," as recited by claim 74. Hunter neither teaches nor suggests any difference in the

version of applications. As shown in Figures 2-4, Hunter's application 37 of the first computer 68 is the same as application 37 of the second computer 78. Therefore, claim 74 and its dependents are further allowable over Hunter.


In addition, as amended, independent claims 62 and 70 recite "when a configuration setting of the target computing system is not present on the source computing system, calculating the configuration setting for the target computing system from other configuration setting of the source computing system." In contrast to Hunter, applicants' technology calculates configuration settings for the target computing system when the configuration settings are not present on the source computing system. Hunter contains no indication of "calculating [a] configuration setting for the target computing system from other configuration setting of the source computing system." Therefore, claims 62, 70, and their dependents are allowable over Hunter. As amended, independent claim 79 recites "calculating a distinguished configuration setting for the target computing system from other configuration settings of the source computing system when the distinguished configuration setting is not present on the source computing system." This feature is neither taught nor suggested by Hunter. Thus, claim 79 and its dependents are further allowable over Hunter.

Based on the above amendments and remarks, applicants believe the pending application is in condition for allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8077.

Applicants believe any appropriate fees have been included with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 343328001US2 from which the undersigned is authorized to draw.

Dated: October 30, 2007

Respectfully submitted,

By 
Judy M. Kadoura
Registration No.: 59,833
PERKINS COIE LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 359-8000
(206) 359-7198 (Fax)
Attorney for Applicant